

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 1:06-cr-00179-SEB-DML
)	
CHARLES LEE MITCHELL,)	-01
)	
Defendant.)	

Order Denying Motion for Sentence Reduction Without Prejudice

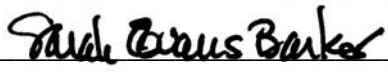
On January 25, 2019, Defendant filed a letter asking if he is eligible for a sentence reduction under the First Step Act of 2018 (the “First Step Act”), Pub. L. No. 115-391, § 404, 132 Stat. 5194, 5222 (2018). This letter was docketed as a motion. Dkt. 59. The Court appointed counsel to represent Defendant and stayed the case. Dkt. 61. Counsel from the Indiana Federal Community Defender appeared on Defendant's behalf, dkt. 62, but then withdrew because she could not locate Defendant, dkts. 66, 67. After counsel located Defendant, she appeared again on his behalf, but later withdrew again. Dkts. 75, 76.

After counsel withdrew, the Court informed Defendant that he must pursue his motion for sentence reduction pro se unless he hired private counsel. Dkt. 77. The Court ordered Defendant to do the following within 42 days: (1) notify the Court of his intention to withdraw his motion for sentence reduction; or (2) file a brief in support of his motion for sentence reduction stating the basis of his claim. *Id.* The Court noted that a brief was necessary because Defendant had not identified a basis to grant a motion for sentence reduction. The Court warned Defendant that his motion for sentence reduction would be considered abandoned and denied without prejudice if he did not return the form motion as directed. *Id.* The Court mailed the Order to Defendant on November 2, 2020.

As of the writing of this Order, Defendant has not filed a brief in support his motion for sentence reduction, and the deadline for doing so has passed. Accordingly, the Court considers Defendant's motion for sentence reduction abandoned, and the motion, dkt. [59], is **denied without prejudice**. Nothing in this Order, however, prohibits Defendant from filing a new motion for sentence reduction.

IT IS SO ORDERED.

Date: 1/19/2021


SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

Distribution:

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